

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PRIMITIVO ROBLES, on behalf of himself
and all others similarly situated,

Plaintiff,

-against-

TWO BUDS ENTERPRISE,

Defendant.

24-cv-7586 (AS)

ORDER

ARUN SUBRAMANIAN, United States District Judge:

Plaintiff Primitivo Robles has moved for default judgment in this case. Dkt. 19. In the complaint, Robles alleges that defendant is liable under the ADA and its state- and city-law counterparts because defendant's website is not accessible to visually impaired users like Robles. On a motion for default judgment, the Court "accepts as true all well-pleaded allegations in the complaint but must still determine whether those allegations establish a 'legal basis' for liability." *Winegard v. Crain Commc'ns*, 2021 WL 1198960, at *2 (S.D.N.Y. 2021) (citation omitted). As the Court noted in its October 8, 2024 Order, Dkt. 5, it finds persuasive the analysis in *Winegard v. Newsday LLC*, 556 F. Supp. 3d 173 (E.D.N.Y. 2021) regarding the scope and applicability of the ADA. Yet plaintiff's default-judgment briefing doesn't address why *Winegard* doesn't foreclose the plaintiff's claims or why the decision shouldn't be followed by this Court. By April 7, 2025, plaintiff is hereby ordered to file a supplemental brief addressing these issues and defendant's liability under the statutes at issue in this case.

SO ORDERED.

Dated: April 3, 2025
New York, New York



ARUN SUBRAMANIAN
United States District Judge